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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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May 14, 1993

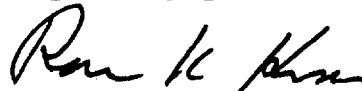
Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N. W.  
Washington, D. C. 20554

Dear Ms. Searcy:

Transmitted herewith, on behalf of BZ Communications, Inc., the owner of radio station WBZZ(FM) in Pittsburgh, Pennsylvania, are an original and six (6) copies of its Opposition to Petition for Leave to Amend in MM Docket 93-88.

In the event there are any questions concerning this matter, please communicate with the undersigned.

Very truly yours,



Rainer K. Kraus



Enclosure

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

MAY 14 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Application of	)	MM Docket No. 93-88
	)	
EZ COMMUNICATIONS, INC.	)	File No. BRH-910401C2
	)	
For Renewal of License of FM	)	
Radio Station WBZZ(FM) on	)	
Channel 229B at Pittsburgh,	)	
Pennsylvania	)	
	)	
ALLEGHENY COMMUNICATIONS GROUP,	)	File No. BPH-910628MC
INC.	)	
	)	
For a Construction Permit for a	)	
New FM Broadcast Station on	)	
Channel 229B at Pittsburgh,	)	
Pennsylvania	)	

To: Honorable Edward Luton  
Administrative Law Judge

**OPPOSITION TO PETITION FOR LEAVE TO AMEND**

EZ Communications, Inc. (EZ), by its attorneys, files herewith its opposition to the "Petition for Leave to Amend" filed on May 5, 1993, by Allegheny Communications Group, Inc. (Allegheny), an applicant in the above-captioned proceeding.

Allegheny says that its amendment was required and invited by the Hearing Designation Order (DA 93-361, released April 5, 1993) (HDO) in this proceeding. While it is certainly true that the Commission required Allegheny to submit additional engineering material, it neither invited nor authorized an amendment which would otherwise be unacceptable for filing.

As shown by Exhibit No. 1, a statement of Herman E. Hurst, Jr., the tendered Allegheny amendment does not modify in any fashion Allegheny's proposed directional antenna pattern. As EZ has demonstrated in its pending "Motion to Certify" of May 5, 1993, Allegheny's current proposal--and thus also its tendered amendment--violates Section 73.316(b) of the rules which allows a directional antenna to have a rate of attenuation of no more than 2 dB per 10°.

Since Allegheny's amendment is attempting to prosecute a proposal which is unacceptable, its amendment is also unacceptable and must be denied.

Respectfully submitted,

**EZ COMMUNICATIONS, INC.**

By   
Rainer K. Kraus

By   
Herbert D. Miller, Jr.

Koteen & Naftalin  
1150 Connecticut Avenue, N.W.  
Suite 1000  
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(202) 467-5700

May 14, 1993

Its Attorneys

***CARL T. JONES***  
***CORPORATION***

**STATEMENT OF HERMAN E. HURST, JR.  
IN SUPPORT OF AN OPPOSITION TO PETITION  
FOR LEAVE TO AMEND FILED BY  
ALLEGHENY COMMUNICATIONS GROUP, INC.  
FCC FILE NO. BPH-910628MC**

**Prepared for: EZ Communications, Inc.**

I am a Radio Engineer, an employee in the firm of Carl T. Jones Corporation, with offices located in Springfield, Virginia.

My education and experience are a matter of record with the Federal Communications Commission.

This office has been authorized by EZ Communications, Inc. ("EZ"), licensee of WBZZ(FM), Pittsburgh, Pennsylvania, to prepare this statement in support of an Opposition to a Petition for Leave to Amend filed by Allegheny Communications Group, Inc. in MM Docket 93-88.

The WBZZ(FM) Renewal of License Application (FCC File No. BRH-910401C2) and the Application for Construction Permit for a new FM station on WBZZ's licensed channel of operation filed by Allegheny Communications Group, Inc. (FCC File No. BPH-910628MC) have been designated to participate in a comparative hearing to resolve the mutual exclusivity between the applications.

STATEMENT OF HERMAN E. HURST, JR.  
OPPOSITION TO PETITION FOR LEAVE TO AMEND  
PAGE 2

On May 5, 1993, Allegheny Communications Group, Inc. ("Allegheny") filed a Petition for Leave to Amend its application. Also on May 5, 1993, EZ filed a Motion to Certify a portion of the Hearing Designation Order to the Commission pursuant to Section 1.106(a)(2) of the FCC Rules.

In EZ's Motion to Certify (and in its original Petition to Deny and Reply to Opposition to Petition to Deny), EZ has clearly demonstrated that Allegheny's proposed directional antenna pattern exceeds the maximum rate of attenuation specified in Section 73.316(b)(2) of the Commission's Rules. The technical amendment associated with Allegheny's Petition for Leave to Amend did not change Allegheny's proposed directional antenna pattern. Accordingly, Allegheny's proposed directional antenna pattern continues to exceed the 2 dB/10° rate-of-change limitation set forth in Section 73.316(b)(2) of the FCC Rules.

This statement has been prepared by me or under my direct supervision and is believed to be true and correct.

DATED: May 13, 1993   
Herman E. Hurst, Jr.

CERTIFICATE OF SERVICE

I, Judy Cooper, a secretary in the law firm of Koteen & Naftalin, hereby certify that on the 14th day of May, 1993, copies of the foregoing "Opposition to Petition for Leave to Amend" were deposited in the U.S. mail, postage prepaid, addressed to:

Honorable Edward Luton\*  
Administrative Law Judge